

Shibuya et al.
U.S.S.N. 09/666,152
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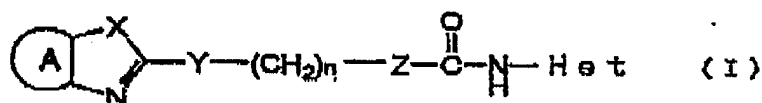
Amendments To The Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims:

1-8. (Cancelled)

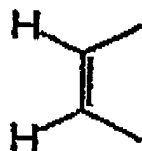
9. (Previously Amended) Compounds represented by the formula (I)



wherein



represents an optionally substituted divalent residue of benzene, cyclohexane or naphthalene, or a group:



;

Het represents a substituted pyridyl group;

X represents an oxygen atom;

Y represents $\text{-NR}_4\text{-}$, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

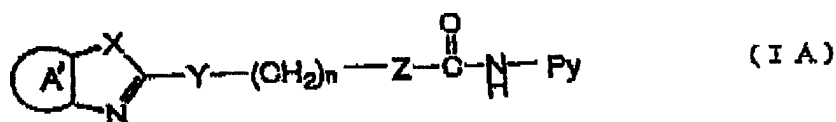
Z represents a single bond;

R_4 represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 2 to 15, or salts or solvates thereof.

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10. (Previously Amended) The compounds according to claim 9, which are represented by the formula (IA)



wherein



represents an optionally substituted divalent residue of;

Py represents a substituted pyridyl group;

X represents an oxygen atom;

Y represents -NR₄-, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

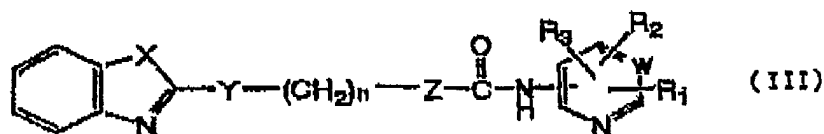
Z represents a single bond;

R₄ represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 2 to 15;

or salts or solvates thereof.

11. (Previously Amended) The compounds according to claim 9, which are represented by the formula (III)



wherein, W represents =CH-;

X represents an oxygen atom;

Y represents -NR₄-, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

Z represents a single bond;

R₁, R₂, and R₃ are the same or different, and each represents a hydrogen atom, a lower alkyl group, a lower alkoxy group, a halogen atom, a hydroxyl group, a phosphate group, a

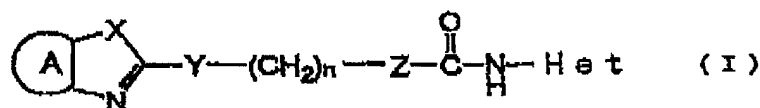
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sulfonamide group, a lower alkylthio group or an optionally substituted amino group, or two of R_1 , R_2 , and R_3 , together form an alkylenedioxide group, provided that R_1 , R_2 and R_3 are not hydrogen at the same time;

R_4 represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 2 to 15, or salts or solvates thereof.

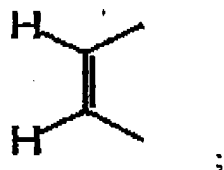
12. (Previously Amended) A pharmaceutical composition comprising a pharmaceutically acceptable carrier and at least one compound selected from the compounds represented by the formula (I)



wherein



represents an optionally substituted divalent residue of benzene, cyclohexane or naphthalene, or a group:



Het represents a substituted pyridyl group;

X represents an oxygen atom;

Y represents -NR-, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

Z represents a single bond;

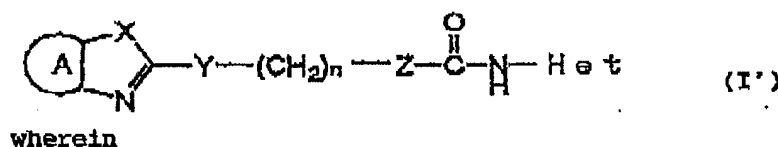
R_4 represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 2 to 15, or salts or solvates thereof.

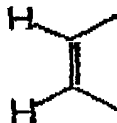
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14. (Presently Amended) The pharmaceutical composition according to claim 12 or 13, which is a remedy or a medication for preventing hyperlipemia, arteriosclerosis, cerebrovascular accidents, ischemic heart disease, ischemic intestinal disease or aortic aneurysm.

15. (Previously Amended) A method for treating hyperlipemia, arteriosclerosis, cerebrovascular accidents, ischemic heart disease, ischemic intestinal disease or aortic aneurysm by administering to a patient in need of such treatment a compound of the formula (I')



represents an optionally substituted divalent residue of benzene, cyclohexane or naphthalene, or a group:



Het represents substituted or unsubstituted pyridyl group;

X represents an oxygen atom;

Y represents $\text{-NR}_4\text{-}$, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

Z represents a single bond;

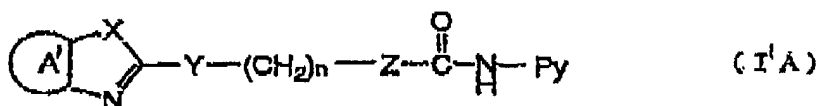
R_4 represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 1 to 15;

or salts or solvates thereof.

16. (Previously Amended) The method of claim 15 wherein a compound of formula (I'A) is administered

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wherein



represents an optionally substituted divalent residue of benzene;

Py represents an optionally substituted pyridyl group;

X represents an oxygen atom;

Y represents -NR₄-, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

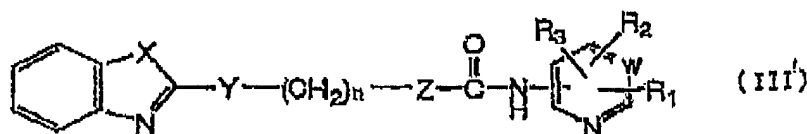
Z represents a single bond;

R₄ represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group;

n is an integer of from 1 to 15,

or salts or solvates thereof.

17. (Previously Amended) The method of claim 15 wherein a compound of formula (III') is administered



wherein, W represents =CH-,

X represents an oxygen atom;

Y represents -NR₄-, an oxygen atom, a sulfur atom, a sulfoxide or a sulfone;

Z represents a single bond;

R₁, R₂, and R₃ are the same or different, and each represents a hydrogen atom, a lower alkyl group, a lower alkoxy group, a halogen atom, a hydroxyl group, a phosphate group, a

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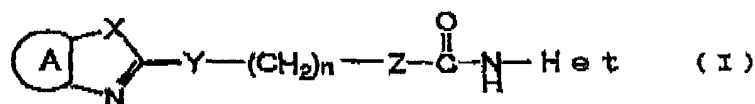
sulfonamide group, a lower alkylthio group or an optionally substituted amino group, or two of R_1 , R_2 , and R_3 , together form an alkylenedioxide group;

R_4 represents a hydrogen atom, a lower alkyl group, an aryl group or an optionally substituted silyl lower alkyl group; and

n is an integer of from 1 to 15;

or salts or solvates thereof.

18. (Previously Amended) A method claim 15 wherein a compound represented by formula (I) is administered,



wherein



represents an optionally substituted divalent residue of benzene;

Het represents a substituted or unsubstituted pyridyl group;

X is an oxygen atom;

Y is a sulfur atom;

Z is a single bond;

n is 1;

or salts or solvates thereof.

OCT-17-2003 FRI 02:44 PM EDWARDS & ANGELL

FAX NO. 617 439 4170

P. 13/14



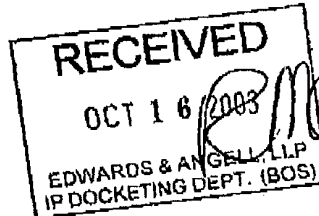
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,152	09/20/2000	Kimiyuki Shibuya	49218-C	7703

21874 7590 10/10/2003
EDWARDS & ANGELL, LLP
P.O. BOX 9169
BOSTON, MA 02209



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Non-Compliant Amendment
Edwards & Angell LLP

101 Federal St. Boston, MA 02110

Docketed For *10/27/03-11/10/03*

By *CE*

Approved _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9/10/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: claims 1-8 was not presented

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

[Signature]
Legal Instruments Examiner (LIE)

PHONE Number (703-308-2286)

July 22, 2003 (rev.)